

Individual Rights of Persons Receiving Services from the Division of Developmental Disabilities

Missouri law gives individuals who receive mental health services the following rights without limitation:

1. To humane care and treatment;
2. To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;
3. To safe and sanitary housing;
4. To not participate in non-therapeutic labor;
5. To attend or not attend religious services;
6. To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which the individual is informed insofar that person is capable of understanding;
7. To be treated with dignity as a human being;
8. To not be the subject of experimental research without prior written and informed consent or that of a parent, if the person is a minor, or guardian; except that no involuntary committed person shall be subject to experimental research, except as provided by statute;
9. To decide not to participate or to withdraw from any research at any time for any reason;
10. To have access to consultation with a private physician at the individual's expense;
11. To be evaluated, treated or habilitated in the least restrictive environment;
12. To not be subjected to any hazardous treatment or surgical procedure unless the individual's parent, if the person is a minor, or guardian consents; or unless such treatment or surgical procedure is ordered by a court of competent jurisdiction;
13. In the case of hazardous treatment or irreversible surgical procedures, to have, upon request, an impartial review prior to implementation, except in case of emergency procedures required for the preservation of life;
14. To a nourishing, well-balanced and varied diet;
15. To be free from verbal and physical abuse;
16. *To wear one's own clothes and to keep and use one's personal possessions;
17. *To keep and be allowed to spend a reasonable sum of one's own money for canteen expenses and small purchases;
18. *To communicate by sealed mail or otherwise with persons, including agencies inside or outside the facility;
19. *To receive visitors of one's own choosing at reasonable times;
20. *To have reasonable access to a telephone booth to make and receive confidential calls;
21. *To have access to one's own mental and medical records;
22. *To have opportunities for physical exercise and outdoor recreation;
23. *To have reasonable, prompt access to current newspapers, magazines and radio and television programming.

***Missouri law gives individuals who receive mental health services the following rights that may be limited for safety or therapeutic reasons:**

Any proposed limitation of rights must be reviewed by DMH Regional Office or State Operated Programs Human Rights Committee to ensure that a person's rights are adequately protected.

A person receiving services and/or the person's parents, guardian or authorized representative shall be informed of the person's rights in language that is easily understood.

- At the time of enrollment and annually the Division will ensure the person and/or the person's parents, guardian or legal representative receive a written description of the person's rights and how to exercise them.
- Rights will be read and explained in the best format for the person understands based on the persons needs.

If a person receiving services has complaints of abuse, neglect or violation or limitation of rights, the person, the person's parents, guardian or authorized representative may contact their service coordinator, Regional Office ,Habilitation Center representative, or they may contact the Department's consumer rights monitor (Constituent Services) at 800-364-9687 or TT 573-526-1201 for assistance.

The Division shall have policies and procedures that enhance and protect the human, civil and statutory rights of all persons receiving services.

The Division and each service provider shall have policies and procedures for providing positive supports to persons receiving services. Those policies and procedures shall be consistent with the enhancement and protection of human rights.

The Division shall report abuse and neglect as mandated by law. Any violation of rights shall constitute, at a minimum, inadequate care and treatment.

The following is an explanation of your rights in people first language. It is important for every person to know his or her rights. These are the rights of individuals who receive services from the Missouri Division of Developmental Disabilities:

Due Process

- When you apply for services, the regional office or habilitation center must give you, your parents, your guardian, or any other person you choose a written copy of your rights. If any changes in your services are made, you will receive a new copy of your rights.
- Regional offices, habilitation centers and provider agencies that have staff who work with you have rules to provide you good help. They have rules to make sure you learn and understand your rights, and that no one takes your rights away before you have a chance to speak for yourself or have someone you choose speak for you. This is called due process.
- You have the same legal rights and responsibilities as any other person unless the court says you do not.
- You have the right to get help. You cannot be denied help because of your race, your religion, your disability or your age. It does not matter if you are a man or woman, married or single.
- Before your rights or services can be limited or taken away, you have the right to be heard or to have someone you choose speak for you. This is called due process.
- Any proposed limitation of rights must be reviewed by DMH Regional Office or State Operated Programs Human Rights Committee to ensure that a person's rights are adequately protected.

Services and Supports

- You have the right to get your services and supports in the most integrated setting and in a way that best meets your needs. To determine those services, these people may be involved: you, your parents, your guardian or any other person of your choice.
- You have the right to know what the regional office and habilitation center rules are for the services and supports you receive.
- You have the right to have your services, supports and personal records explained to you so you understand them.
- You have the right to receive and read your personal records.
- You have the right to receive and sign a copy of your personal plan.
- You have the right to have your records kept private.

Abuse and Neglect

- You have the right not to be abused or neglected. Abuse can be physical, verbal, mental, sexual or financial. Neglect is not getting the things you need to be healthy and safe.
- If you think you are being abused, neglected, or your rights taken away, you, your parents, your guardian, or any other person you choose can contact your regional office or habilitation center for help. You can also call consumer rights monitor (Constituents Services) in Jefferson City at 1-800-364-9687 for help.
- People who work for the regional office or habilitation center must report any abuse or neglect that they see or that people report to them.

For more tools on explaining individual rights visit the Divisions of Developmental Disabilities website: <http://dmh.mo.gov/dd/Advocacyspecialists.htm>